

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Olshan Frome Wolosky LLP,  
Plaintiff,

—v—

Suttongate Holdings, Ltd., *et al.*,  
Defendant.

19-cv-10427 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

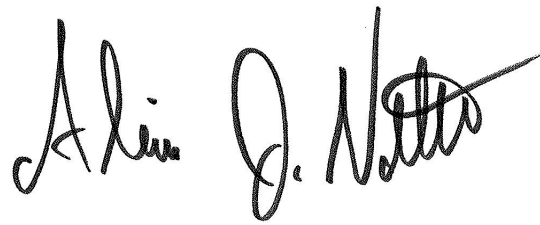
On May 8, 2020, Counterclaim-Defendant Olshan Frome Wolosky LLP and Counterclaim-Defendant Thomas J. Fleming filed a motion to dismiss Defendant Suttongate Holdings, Ltd.’s counterclaims set forth in its Amended Answer and Counterclaims. Dkt. No. 27. Pursuant to Rule 3.F. of this Court’s Individual Practices in Civil Cases, on or before May 18, 2020, Defendant must notify the Court and its adversary in writing whether (1) it intends to file an amended pleading and when it will do so or (2) it will rely on the pleading being attacked. Defendant is on notice that declining to amend its pleadings to timely respond to a fully briefed argument in the Counterclaim-Defendants’ motion to dismiss may well constitute a waiver of the Defendant’s right to use the amendment process to cure any defects that have been made apparent by the Counterclaim-Defendants’ briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving “unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility”).

If Defendant chooses to amend, Counterclaim-Defendants’ may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that it relies on the initially-filed motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: May 11, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

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ALISON J. NATHAN  
United States District Judge